

## DETAILED ADVERTISEMENT

### NEW YORK STATE DEPARTMENT OF TRANSPORTATION

#### REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL/ENGINEERING SERVICES

**Initial Publication:** April 25, 2023

**Revisions:** N/A

**Submission Due Date:** May 9, 2023, by 12:00 noon

Notice is hereby given that the New York State Department of Transportation (NYSDOT) is seeking to award a contract to an engineering firm(s) to perform the following:

#### **Design Services for Drainage & Storm Resiliency on Brooklyn-Queens Expwy between 58<sup>th</sup> St. & Grand Central Parkway**

Prospective firms interested in responding to this solicitation may register using the NYSDOT Consultant Selection System (CSSWeb) application <https://www.dot.ny.gov/main/business-center/consultants/css-web>

Electronic Consultant Selection **Process II**

**Electronic Inventory used:** Design

#### **Project Details**

**Contract Number:** D041129

**Key PIN:** X731.80

**Region:** 11

**County:** Queens

**Work Class:** Highway

**Work Phases Included:** Scoping and Preliminary Design Phases I-IV; Final Design Phases V-VI and Construction Support Services may be added by Supplemental Agreement.

**Estimated Contract Duration:** 17 Months

Consultant Start Date	February 12, 2024
Design Approval Date	May 16, 2025
PS&E Date	September 11, 2026
Consultant Completion Date	July 16, 2025

**Joint Ventures:** Joint Ventures shall not be proposed.

**Small Firm Credit:** No

#### **Cost and Complexity**

**Funding:** Expected to be Federally & State funded.

**Anticipated overall level of Complexity:** Moderately Complex

**Estimated Highway/Appurtenances construction cost:** \$25,000,000.00

**Highway/Appurtenances Complexity:** Moderate

#### **Participation Goals**

**Disadvantaged Business Enterprise (DBE) Participation Goal:** 20%

**Minority/Women's Business Enterprise (M/WBE) Participation Goal:** 0%

**Service-Disabled Veteran-Owned Business Participation Goal:** 0%

**Minimum Number of Required DBE/MBE/WBE Alternates:** 1 for each DBE firm proposed

#### **Description of Work**

This project will improve the drainage and storm resiliency on Brooklyn Queens Expressway between 58th Street and Grand Central Parkway in Queens County.

The general scope of work includes, but is not limited to:

- Profile adjustment as needed.
- Clean the closed drainage system.
- Replace under-sized pipes and inlets with larger ones.
- Install pervious pipe underdrains.
- Clear the vegetations and sediments near the outfall.
- Improve pavement markings.
- Guide rail and curb replacement.

- Re-grading pavement to improve water flow to drainage structures.
- Revise landscaping and planting to increase water absorption.
- Investigate current condition and find various solutions.

### **Qualification for Designation**

Firms (herein, “firm” or “consultant”) will be designated based on the highest technical qualifications, as set forth below.

#### **1. Measuring Distance from the Functional Office / Field Office**

This factor is not being scored. The designated firm is required to have a Functional Office or open a Field Office within the contracted Region from which all travel will be conducted from. When submitting your EOI all firms should enter a value of 1 for the distance to both the Regional Office and Project Site.

#### **2. Staffing Requirements**

##### **A. Key Staff:**

<b><u>Title</u></b>	<b><u>Qty</u></b>	<b><u>Resume Required</u></b>
Project Manager	1	Yes
Lead Staff Person – Highway Design, P.E. Required	1	Yes

##### **B. Non-Key Staff:**

<b><u>Title</u></b>	<b><u>Qty</u></b>	<b><u>Resume Required</u></b>
N/A		

The total number of resumes that must be included is 2.

If needed, additional Key Staff experience should be included in Section 9 of the NYSDOT 255.

#### **3. Evaluation Factors and Weights**

See Design Scoring Methodology:

[https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-\(process-2\)](https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2))

Step 1 – Automated Scoring to establish shortlist (All firms are scored.)

Step 2 – Committee Review (Shortlisted firms are scored.)

<b><u>Step 1 Weight</u></b>	<b><u>Step 2 Weight</u></b>	<b><u>Scoring Factor</u></b>
		1. Prior Experience
72%	15%	A. Firm in general
0%	66%	B. Staff
2%	2%	C. With NYSDOT
		2. Organizational capability for this type of work
20%	6%	A. Prior NYSDOT performance ratings
		B. Workload/Capacity
3%	3%	(1) Project type workload (Design) with NYSDOT vs. capacity
3%	3%	(2) Total remaining workload with NYSDOT
		3. Logistics & Familiarity
0%	0%	A. Logistics
0%	5%	B. Familiarity with the project type
<b>100%</b>	<b>100%</b>	<b>Total</b>

### **Breakout for Other Factors (Standard) (4A)**

#### **Tasks/Responsibilities Breakout for Prior Experience (Firm in general and NYSDOT) (1A & 1C)**

20%	M05.	Preliminary Design (Highway)
50%	M07.	Final Design (Highway)
7%	M09.	Design Survey & Mapping
3%	M10.	ROW Survey & Mapping
5%	E06.	Endangered Species Study
10%	E12.	Storm Water Management
5%	E15.	Cultural Resource Survey

**A. Task Assignments:**

It is expected that the Prime Firm will be assigned weighted major tasks (**M05.** and **M07.**). All subconsultants must be assigned at least one task. Tasks **M09.** and **M10.** must be assigned to one single firm. For additional information, refer to the Design Scoring Methodology found at: [https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-\(process-2\)](https://www.dot.ny.gov/main/business-center/consultants/general-info/electronic-consultant-selection-(process-2)).

**DBE/MBE/WBE Participation Points**

- 1) Percentage of participation assigned to DBE/MBE/WBE subs = 5.5% (x DBE/MBE/WBE % of participation)
- 2) Experience and Prior NYSDOT Performance = 2.0% (x DBE/MBE/WBE % of participation)
- 3) Workload with the Project Type (**Design**) = 1.0% (x DBE/MBE/WBE % of participation)

**Last Designation Factor**

Last Designation Factor Weight = 0%

**4. Team Composition**

If your firm is included as part of another firm's proposal for more than 20% of the work, that firm may not be included in your firm's proposal. Should this occur, NYSDOT may reject both firms' proposals. Subconsultants cannot be proposed for less than 5% of the work.

**5. Contract Implementation Schedule**

The Consultant shall meet the following projected schedule in calendar days:

<b>Upon Notification of Being Shortlisted:</b>	Provide NYSDOT 255 with attachments	10
<b>Upon Notification of Designation:</b>	Scope of services meeting	7
	First proposal due	21
	Final proposal due	35
	Completion of financial negotiation	51

**Failure to meet the projected schedule may result in NYSDOT deeming the Consultant's submission Non-Responsive.**

**6. DBE/MBE/WBE/SDVOB Certifications**

Certifications must be downloaded from the appropriate websites with copies provided. Prime Firms are responsible for ensuring all of their proposed DBE/MBE/WBE/SDVOB subconsultants are currently certified through either the DBE Directory <https://nysucp.newnycontracts.com>, the M/WBE Directory <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>, and the SDVOB Directory, respectively, <https://online.ogs.ny.gov/SDVOB/search> for the type work they are anticipated to perform.

**7. Proofs of Authority**

Proofs of Authority from the New York Education Department and the Department of State, authorizing professional services for the Prime Consultant and all Subconsultants / Team partners, must be downloaded from the appropriate websites with copies provided. Refer to CI 93-10: <https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/business-practices>

**8. Conflicts of Interest for Design-Build Contracts**

Consultants and/or subconsultants who assist the owner in the preparation of an RFP document will not be allowed to participate as an offeror or join a team submitting a proposal in response to the related project / RFP.

In furtherance of 23 CFR 636.116, Consultants should request a determination from the NYSDOT's designated contact whenever a decision is made to progress a contract as Design-Build and when the consultant is interested in proposing as part of a Design-Build team.

**9. Public Officers Law**

The New York State Public Officer's Law (POL) §73 sets forth requirements for "business activities by current and former state employees, officers, and party officers". For purposes of this document, the term "covered person" shall have the definition of any party set forth in Public officer's law §73(8.)(a)(i) who is proposed to perform on a NYSDOT contract.

Contractors, consultants, vendors, subconsultants and subcontractors may propose or utilize a covered person, subject to the New York State Public Officers Law §73. For example, a former NYSDOT or Public Authority employee may be prohibited from conducting work on a NYSDOT contract for a period of 2 years after separation, while others may be subject to a "lifetime bar". Ultimately it is the employee's responsibility to comply with the provisions of the Public Officer's law related to post-state employment restrictions.

### Consultant's Responsibility

If the Consultant proposes a covered person as part of their staff, then prior to designation the Consultant must provide the Office of Contract Management a copy of the NYS Commission on Ethics and Lobbying in Government informal written opinion concerning the application of the two-year and lifetime bar(s) to the individual's proposed activity.

After designation, the Consultant must notify the Consultant Job Manager of the addition of any covered person to perform services under the Contract.

### Expression of Interest

Interested Firms must submit the following items by the due date utilizing the Consultant Selection System Web (CSSWeb) application (<https://www.dot.ny.gov/main/business-center/consultants/css-web>):

1. Expression of Interest (EOI): CSSWeb application
2. The Offerer's Affirmation of Understanding and Agreement pursuant to State Finance Law § 139-j (3) and § 139-j (6) (b).
3. The Offerer Disclosure of Prior Non-Responsibility Determinations form (must be submitted for the Prime).
4. The current CONR 386 Workload Disclosure form (must be submitted by the Prime and include **ALL** team members - prime, joint venture partner and subconsultants)
5. The Vendor Assurance of No Conflict of Interest and Sexual Harassment Prevention attestation form filled out by both Primes and subconsultants (attach to the CONR 386).

Forms can be found at <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>.

**The consultant's failure to submit required documentation or conform to the requirements of this Detailed Advertisement may result in NYSDOT deeming the Consultant's submission nonresponsive.**

### Shortlisting

The list of shortlisted firms will be posted at: <https://www.dot.ny.gov/doing-business/opportunities/eng-shortlistad>. Shortlisted firms shall receive an email requesting additional information and must submit the following items by the due date utilizing the Consultant Selection System Web (CSSWeb) application (<https://www.dot.ny.gov/main/business-center/consultants/css-web>):

- a. NYSDOT 255 Shortlist Submittal Form
- b. CONR 386 Workload Disclosure form (if a material change in reported amount of Workload has occurred)
- c. Certification Regarding Use of Contract Funds for Lobbying form must be completed and signed by an Officer or Principal of the Prime Consultant. Submit as "Quality Control Checklist".
- d. Special Factor Response(s) (if applicable, attach to NYSDOT 255 Shortlist Submittal Form)
- e. Proofs of Authority
- f. Disadvantaged/Minority/Women's Business Owned Certification Letters

### Designation

The Designation(s) will be posted at: (<https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/css-advertisements-shortlists-and-designations>).

As provided by State Finance Law Section 112, there can be no legally enforceable contract until the contract is executed by the NYS Office of the State Comptroller. It is possible, however, that it may be in the best interest of the State to not award this contract. In such event, the State will not be liable for commitments or arrangements that you may have made concerning this contract, which are made at your sole risk.

**Required Financial Submission:** To be designated, all Team members must have filed the annual financial submission as required by CI 11-04 Required Financial Submission Prior to Selection for Engineering Services Work and Annually Thereafter (within 6 months of its most recently completed fiscal year). <https://www.dot.ny.gov/main/business-center/consultants/architectural-engineering/consultant-instructions/overhead>

If subsequent annual financial information becomes available after designation but prior to award, any subsequent submissions will only be considered for purposes of the pre-award evaluation of the pending contract at the discretion of the Director of the Contract Audit Bureau.

If a firm (Prime or subconsultant) does not provide the required financial submission in accordance with CI 11-04, NYSDOT may elect to use a previous financial submission, previous audited financials, a negotiated rate, or may establish a rate which is low enough to ensure that unallowable costs will not be reimbursed.

### **Debriefings**

While not required by New York State Finance Law (SFL) Section 136-A, all proposers are afforded an opportunity to receive a debriefing.

Prime Firms not shortlisted may request a debriefing within 4 business days of the Department's public notice of the Shortlist. Prime Firms who are shortlisted may request a debriefing within 4 business days of the Department's public notice of Designation. Requests for a debriefing must be submitted to, and coordinated with, the Designated Contact Person or their designee.

Proposers requesting a debriefing will receive a summary spreadsheet specific to their Team, which shall satisfy NYSDOT's requirement to conduct a debriefing. Notwithstanding the foregoing, within 2 business days of receiving the summary spreadsheet, a Proposer may request a meeting to receive a verbal debriefing. NYSDOT will make every effort to accommodate meeting requests.

### **Protests**

A protest may be submitted in accordance with the NYSDOT's administrative procedure for protests, available at: <https://www.dot.ny.gov/main/business-center/consultants/general-info>

### **Required Upon Designation**

**Form A, New York State Consultant Services Contractor's Planned Employment**, with the executed signature pages and **Form B, New York State Consultant Services Contractor's Annual Employment Report**, annually, as required by Chapter 10 of the Laws of 2006, which amends State Finance Law § 8 and 163. Form A and Form B are available at: <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions>;

### **Requirements Upon Award**

The firm has advised all team members that the contracting process will require that they possess an acceptable accounting system capable of segregating contract cost.

During contractual performance, the selected consultant must comply with Executive Order 162, **ENSURING PAY EQUITY BY STATE CONTRACTORS**, dated January 9, 2017. Please refer to <https://www.dot.ny.gov/main/business-center/consultants/forms-publications-and-instructions> under the heading **Executive Order 162, Ensuring Pay Equity by State Contractors, Reporting Requirement** for further information.

### **Title VI**

The New York State Department of Transportation (NYSDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written NYSDOT solicitation, request for proposal or invitation for bid that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.

It is the policy of New York State to encourage the use of New York State subcontractors and suppliers and to promote the participation of minority and women-owned businesses and service-disabled veteran-owned businesses, where possible, in the procurement of goods and services. Information concerning the availability of New York State M/WBE and SDVOB subcontractors and suppliers is available from the NYS Department of Economic Development and the NYS Office of General Services respectively.

### **Compliance with the Procurement Lobbying Law**

Under the requirements of the State Procurement Act, communications regarding the advertised project / procurement may only occur through the Designated Contacts. Communications exempted from this restriction are participation in a pre-proposal conference and any protests or complaints of improper conduct or misrepresentation. *See also* <https://www.dot.ny.gov/portal/page/portal/main/business-center/consultants/general-info>

The Designated Contact Persons are:

#### **The Contract Management Designation Specialist – Melissa Gorman**

NYSDOT Office of Contract Management  
50 Wolf Road, 6th Floor  
Albany, New York 12232-0203  
E-mail: [Melissa.Gorman@dot.ny.gov](mailto:Melissa.Gorman@dot.ny.gov)  
(518) 474-2025

**Or**

The Office of Contract Management:

Designation Unit Supervisor

Assistant Directors, Deputy Director and Director

Administrative Staff

(518) 457-2600